

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2050/0R1	
2.	Proposed Development:	APPLICATION FOR RESERVED MATTERS RELATING TO APPEARANCE, LANDSCAPING, LAYOUT & SCALE PURSUANT TO OUTLINE APPLICATION 4/21/2360/001 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH DETAILS OF PROPOSED ACCESS JUNCTION & ALL OTHER MATTERS RESERVED	
3.	Location:	LAND AT SCALEGILL ROAD, MOOR ROW	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application site relates to an area of agricultural land to the north of Scalegill Road to the west of Moor Row. The site covers an area of approximately 1.50 hectares, and lies to the east of the new residential estate of Rusper Drive. The northern boundary of the site abuts the embankment to the Whitehaven-Rowrah cycleway, the eastern boundary adjoins the recreation ground and the Moor Row Social Club is located adjacent to the southern		

boundary which partially occupied the site frontage.

Relevant Planning History

4/21/2360/001 – Outline application for residential development with details of proposed access junction and all other matters reserved – Approved by Planning Panel subject to S106 agreement.

Proposal

This application seeks the approved of Reserved Matters relating to the appearance, landscaping, layout and scale for 19 dwellings at this site. This application follows the approval by Members of the former Copeland Planning Committee in June 2022 of outline consent for residential development at the site. This outline consent included details of the approved access with all other matters reserved and was subject to a Section 106 Agreement.

The proposal seeks permission to develop the site for 19 dwellings, including one affordable unit to comply with the S106 agreement. The site will be developed with 19 detached dwellings, which are a mix of 4 x three bedroom properties, 12 x four bed roomed properties, and 3 x five bed dwellings. The proposed dwellings will utilise a palette of materials to include facing brick and render under a concrete tiled roofs which will all contain solar panels. Each dwelling is set within a large garden with individual driveways that provide off street parking provision. Three visitor parking spaces are also proposed near the entrance to the site, adjacent to plot 19.

The application is supported by a landscaping scheme which creates an open green space at the entrance to the site, and provides additional landscaping within and along the boundary of the application site. A 6m ball stop fence is also proposed along part of the eastern boundary of the site adjacent to an existing playing field.

Access to the site is from Scalegill Road as previously approved under the previous outline approval. The development will be arranged around a single spine access road culminating in a turning head to the rear of the site. The proposed access road will have a width of 4.8m throughout the development with a 2m wide pavement provided on one side and extended on both sides until the proposed visitor spaces adjacent to plot 19. A new access point will also be provided to service the existing substation.

Foul water from the development will discharge into the existing public combined sewer crossing the site from east to west to the north. Surface water drainage will be positively drained and attenuated, using a detention basin located to the north of the application site, with a flow control device restricting discharge.



Cumberland Council

Consultation Responses

Egremont Town Council

27th February 2024

Councillors feel that the houses all look acceptable from a design point of view and although there is 1 affordable home, more would have been welcomed, and a smaller house would have been more desirable to make it truly affordable.

Although the homes are a mix of 3 to 5 bed homes, with good sizes and decent gardens, we note no bungalows have been provided.

Councillors did note that the access and egress runs adjacent to the Moor Row Social Club, could consideration be given to traffic movements with people accessing and leaving the Club, through any potential safety measures? There is also a well-known flooding problem on the adjacent play area and hope the proposed water management system helps alleviate the flooding and does not make it worse.

16th October 2024

No comments.

Cumberland Council – Highway Authority & Lead Local Flood Authority

6th March 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection in principle to the proposed development but would like the following point addressed.

- Within the external works plans drawing number 04 and 05 it shows a proposed footway in front of plots 1-9 within the shared surface area, the LHA feel this would be confusing for pedestrians and residents as shared surfaces don't usually have footways as both areas would be at the same height, the LHA would like to see the footway removed from the shared surface and replaced with a service strip or have the footway remain and remove the shared surface area. If the footway is to remain in situ a continuous 2 metre link from footway to the public right of way needs to be designed into the new plans.

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans, I shall be better placed to provide full response.

16th May 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection in principle to the amended plans for the proposed development and welcome the additional link to the public right of way which has been designed into the proposed site

plans, although this addition is welcomed the following points need addressed before a final response can be issued.

- Within the new proposed site plan (drawing number 1375/01 Rev J) 2 number visitor parking spaces have been removed from the original design, one has been placed within the right-hand lane heading North and the other is in the centre of the sites main carriageway, I assume this is a mistake/misprint but will need rectified. Although it states within the Cumbria Development Design Guide (CDDG) that a visitor parking space is required for every 5th unit built, The LHA would recommend 4 visitor parking spaces not three for this site as this would allow motorists more chance to park safely and not block footways within the development site.
- Within both amended foul and surface water drainage plans (Drawing numbers 20 Rev A and 21 Rev A) it shows from manhole S06 until Manhole S13 that the pipe size has increased to 300mm but shows three separate surface water pipes are these 3 number 100mm pipes as after Manhole S13 it reverts back 1 single pipe although remaining at 300mm diameter. The LLFA would like confirmation of the proposed.

In light to the above comments additional details are required from the applicant. Upon receipt of the amended plans I shall be better placed to provide full response.

7th August 2024

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and additional information submitted to the Local Planning Authority (LPA) in July 2024, I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Active Travel

6th March 2024

No comments.

30th September 2024

No comments.

Cumberland Council – Countryside Access Officer

Public Right of Way FP 406016 is located on the boundary of the development site providing a link to the National Cycle Network Route 7 (See attached plan) and opportunities for both everyday walking and active travel.

We would look to secure a planning obligation under a S106 Agreement to upgrade this section of the public footpath to a 1.8m wide surfaced path.



Cumberland Council

The applicant must be advised that:

- The granting of planning permission would not give them the right to divert, block or obstruct the right of way shown on the attached plans.
- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.

United Utilities

4th March 2024

Further to our review of the submitted Drainage Strategy document (ref K40461.DS/001, Original Version, dated 26/01/2024), we can confirm the proposals are acceptable in principle.

20th May 2024

Further to our review of the submitted Drainage Strategy document (ref K40461.DS/001A, Version A, dated 19/04/2024), we can confirm the proposals are acceptable in principle.

14th October 2024

Further to our review of the submitted Drawings (K40461-20 Rev B and K40461-21 Rev B), we can confirm the proposals are acceptable in principle.

Environment Agency

No comments received.

Natural England

No comments to make on this reserved matters application.

Cumberland Council – Strategic Planning Policy

No comments received.

Cumberland Council – Strategic Housing

12th March 2024

Has there been anything put forward from the developer about the tenure for the one affordable unit? We proposed discounted sale in our original comments, but I can't see anything within the documents online that confirms what they propose?

The 106 doesn't reference our discounted sale policy regarding eligibility and the cascade process, but it seems to say that the 1 unit will be through this, as it just mentions it not being sold at more than 80%. If the developer just plans to sell it at 80% without any eligibility checks then that would be in breach of our policy.

26th September 2024

The changes do not alter the original comments made by Strategic Housing on this application.

Cumberland Council – Environmental Health

11th March 2024

There are no objections from Environmental Health to the above application, though it should be noted that there may be the potential for sporadic noise disturbance to the two proposed dwellings on plots 18 and 19 in particular from occasional events at the adjacent licensed premises on Scalegill Road.

10th October 2024

There are no objections from Environmental Health to the above application, and no further comments.

Electricity North West

7th March 2024

We have considered the above planning application and find it could have an impact on our infrastructure.

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.

The applicant should also adhere to the minimum safety clearances contained within the Energy Network Associations Guidance, a copy of which is also attached to this email.

Furthermore, should there be a requirement to divert the apparatus because of the proposed works, the applicant should be advised that the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any



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time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website [Know before you dig \(enwl.co.uk\)](https://www.enwl.co.uk)

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets and rights that may cross the site and any proposed development.

10th October 2024

Comments same as those submitted on the 7th Marhc 2024.

Cumberland Council – Parks and Open Space

No comments received.

Cumberland Council – Arboricultural Consultant

4th April 2024

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development.

The site is bordered to the east and west by broken hedgerows.

The applicant has submitted a Landscape Plan (Ref. No.WW/L01 B) by Westwood Landscape. This plan illustrates where the proposed trees and shrubs should be planted and lists a specification for the new plants along with a planting and maintenance description.

RECOMMENDATIONS

We recommend attaching the following conditions to any planning permission: implementation of landscaping plan, and submission of an arboricultural method statement.

7th October 2024

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development.

The site is bordered to the east and west by broken hedgerows.

The applicant has submitted a Landscape Plan (Ref. No.WW/L01 Rev.B) by Westwood Landscape. This plan illustrates where the proposed trees and shrubs should be planted and lists a specification for the new plants along with a planting and maintenance description.

RECOMMENDATIONS

We recommend attaching the following conditions to any planning permission:

- The submitted Landscaping Plan (WW/L01 Rev.B) should be implemented in full during the first planting season following completion of construction. Any trees or shrubs dying within a five-year period should be replanted with a similar species and in a similar location within one growing season. Any alterations to the agreed Landscape Plan should be approved in writing by the Local Planning Authority.
- Submit an Arboricultural Method Statement in accordance with the guidance given in the British Standard BS 5837 (2012) – Trees in relation to design, demolition and construction – recommendations, for the protection of the boundary hedgerows during the construction operations, prior to any excavation work on the site. These protective barriers should be erected prior to any excavation work and remain in place for the duration of the construction operations.

5th November 2024

The additional tree protection details are satisfactory. I recommend attaching a condition to any planning permission requiring the protective fencing to be installed in accordance with the document.

Sports England

20th March 2024

Thank you for consulting Sport England in respect of the reserved matters relating to the above planning approval.

Sport England commented on outline planning application ref 4/21/2360/001 by email dated 07/09/21, and following on from our response the following condition was imposed on the approval:

Prior to the commencement of development, full details of the proposed 6 metre high ball stop fence to be installed along the western edge of the application site must be submitted to and approved in writing by the Local Planning Authority. This fence must be installed in accordance with the approved details prior to the first occupation of any dwelling hereby approved. The approved fence must be retained at all times thereafter.

As the playing field lies to the east of the application site, we note that the reference in the condition should be to eastern rather than western boundary.

With regard to the submitted reserved matters, Sport England is concerned that the location of the required ball-stop is not shown on the proposed layout plan. This is a significant omission and Sport England is concerned that it belies a reluctance from the developer to implement this measure. The layout of the plots on eastern half of the site must be cognisant of the fence's height and location.



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The absence of the ball-stop fencing raises concerns that the development may still prejudice the use of the adjacent playing field.

Recommendation:

Sport England considers the details submitted to be unsatisfactory for the reasons cited above and therefore wishes to raise an objection as a satisfactory relationship between the proposed development and the adjacent playing field (which does not prejudice the latter) has not been shown.

If you would like any further information or advice please contact the undersigned at the address below.

7th August 2024

Thank you for consulting Sport England in respect of the further information submitted in respect of the above application.

Following correspondence with the applicant, Sport England is satisfied that there is sufficient space between the main football touchline and treeline to accommodate the ball-stop fence required by condition 15 of approval no. 4/21/2360/001 to be accommodated on the playing field to the east of the application site.

Accordingly, Sport England is now able to withdraw its objection to this application.

11th October 2024

Thank you for consulting Sport England in respect of the amended details relating to the above planning application.

The revised site plan now seems to show the 6m ball-stop on the boundary between the Council owned recreation ground and the housing development (rather than set into the recreation ground as recently discussed with the applicant). This location is acceptable to Sport England, but clarity is needed as to whose responsibility the ongoing management and maintenance would be. If it were to rest with the applicant then this would need to be the subject of a condition (which Sport England would be happy to help formulate).

Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to thirty one properties.

Two letters objection have been received raising the following concerns:

- Comments/objections on the above development are exactly the same as they were at the initial planning stage which we don't believe were actually taken into account.
- We are interested to know how the property on the development plans which will sit behind ours will be marketed? Given that our first floor living area will look directly into their back garden.

- Our home was built with main upstairs living i.e. kitchen, dining area and a raised balcony seating area therefore if Plot 9 Large 5 bedroom house was built as per site plan drawing, the purpose of building our home the way it is, to benefit from the views of the fells would be impacted significantly. Building the purposed house would also mean our living areas would be overlooked by the new house on a constant basis.
- If this development goes ahead which we are in no doubt it will we have two options: sell our forever self build home which took us 3 years to build or buy extortionately expensive bespoke blinds for a rather large window.

One letter of support has been received raising the following comments:

- Approve thee needed for village.

Public Reconsultation

Following the receipt of amended/additional information for the application a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application:

Two letters of objection have been received raising the following concerns:

- My strong objection to the updated planning application still applies. I think it's necessary that someone visits our property to understand and gain for themselves reasons behind our objection.
- I understand the need for residential housing within the area but consideration of the site layout and property type should be addressed to maintain privacy of our existing property, especially with us being first floor living and having significant glazed areas at the rear.
- We are also somewhat disappointed that the plans now only show one affordable house, being that the plans were initial approved because of the need of affordable housing in the area. This makes no sense?
- Also we note that the houses are 4 & 5 bedrooms with no bungalows included on the plans, obviously aimed at the more executive market.
- At the end of the day the monetary gains will far outweigh any of our objections which we feel have not been appropriately considered.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by



Cumberland Council

Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The following policies are relevant to this proposal:-

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

The key issues raised by this application relate to the principle of the development; housing need; settlement character, landscape and visual impact; scale, design, and impact of the development; access and highway safety; drainage and flood risk; impact on ecology.

The original outline approval (ref: 4/21/2360/001) was determined by the former Copeland Planning Committee. On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria. Under the adopted Scheme of Delegation for Cumberland Council the current reserved matters application does not fall under any requirements for the application to be determined by the Planning Committee. On this basis, the application will be determined at Officer Level under delegated powers.

Principle of the Development

Moor Row is identified in Strategic Policy DS1 of the Copeland Local Plan as a Sustainable Rural Village, which offer a limited number of services, but which could support a limited amount of growth to maintain communities. The focus for development will be to support the retention and small scale growth of existing services and businesses, and small scale housing allocations, with windfall and infill development supported in principle.

The settlement boundary for Moor Row is defined in Strategic Policy DS2. The application site is located within this settlement boundary. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.



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The principle for developing this site for residential purposes has previously been established by the outline permission (ref: 4/21/2360/001). This decision was made at that time in the context that the Council's settlement boundaries were considered out of date as required by paragraph 11 of the NPPF. The application site is however now contained within the settlement boundary under the new Copeland Local Plan 2021 – 2039.

This application seeks approval of reserved matters relating to appearance, landscaping, layout and scale.

Housing Need & Housing Mix

Policy H7 of the Copeland Local Plan states that: developments should make the most effective use of land. When determining appropriate densities development proposals should clearly demonstrate that consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mix and help regeneration aims, the character of the surrounding area and the setting of the site. Applicants must also demonstrate, to the satisfaction of the Council, how their proposals meet local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure. Alternative more up-to-date evidence will be considered only in exceptional circumstances where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date in full or part.

Policy H8 of the Copeland Local Plan states on sites of 10 units or more... at least 10% of the homes provided should be affordable as defined in the NPPF 2021 (or any document that replaces it) unless: 1) this would exceed the level of affordable housing required in the area as identified in the Housing Needs Study; or 2) The development falls into an exemption category listed in the NPPF. Affordable housing should be provided in the tenure split - 40% discounted market sales housing, starter homes or other affordable home ownership routes of which 25% of these must meet the definition of First Homes and 60% affordable or social rented.

The Application Site is located within the Whitehaven Housing Market Area (HMA) in the SHMA. The SHMA suggests a particular focus on the delivery of two and three bedroom (80%) and some 4+ bedroom (20%) semi-detached and detached dwellings. It is stated that the Council should also consider the role of bungalows.

The proposed development comprises of 19 detached dwellings, which are a mix of 4 x three bedroom properties, 12 x four bedroomed properties, and 3 x five bed dwellings. This mix closely aligns with the provision of the SHMA.

The original outline approval (ref: 4/21/2360/001) was subject to a S106 agreement to secure 10% of the proposed residential dwellings to be affordable units sold at 80% of the market value. The submitted plans for this development identify Plot 19 as the affordable unit, which complies with the requirements of the S106 agreement. This affordable unit will be a three

bedroomed detached property.

On this basis, the development will assist in providing housing that will help meet the housing need identified in the SHMA and the requirements Policies H7 and H8 of the Copeland Local Plan and provisions of the NPPF.

Settlement Character, Landscape and Visual Impact

Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhance by: supporting proposals which enhance the value of Copeland's landscapes; protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value; ensuring development proposals demonstrate that their location, scale, design and materials will conserve and where possible enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park and Heritage; and Requiring a Landscape Appraisal, and where appropriate a Landscape and Visual Impact Assessment, to be submitted where development has the potential to impact upon landscape character or a protected landscape. Where harm is identified the development will only be permitted where the benefits of the development outweigh any potential harm and mitigation and compensation measures must be provided. This policy further states that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment¹⁰⁸ from the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5d 'Lowland – Urban Fringe'. The Key Characteristics of the land comprise: long term urban influences on agricultural land, recreation, large scale buildings and industrial estates are common, mining and opencast coal workings are found around Keekle and Moor Row, and wooded valleys, restored woodland and some semi urbanised woodland provide interest.

The Guidelines for development include: when new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside; protect 'green' areas from sporadic and peripheral development; protect countryside areas from sporadic and peripheral development through the local plans; careful siting of any new development in non-prominent locations; strengthen undeveloped areas of land with mixed woodland and hedgerow planting and restoration of natural landscape features; and along major roads, develop schemes to improve visual awareness of the individual settlements, land uses and cultural landmarks.

The application site comprises an area of agricultural land located to the west of Moor Row. The site sits between the new residential estate of Rusper Drive, and the playing field and existing built form of Moor Row. This area of Moor Row is characterised by detached dwellings formed around an estate style road. The proposed development would act as an



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infill of the greenfield site located between the existing village form and the adjacent residential estate. The proposed development would continue to extend the developed form of the settlement to the west, reflecting the character of this part of the village. The development is not considered to extend into open countryside as it adjoins the existing residential estate and will therefore would not have a detrimental impact on the character of the area. The development would be viewed in the context of the existing built form.

The application is supported by a Landscaping Plan and an Arboricultural Method Statement, which illustrates where the proposed trees and shrubs should be planted and lists a specification for the new plants along with a planting and maintenance description. The Council's Arboricultural Consultant has reviewed the submitted information and had confirmed that conditions should be imposed on the decision notice to ensure that the proposed development is carried out in accordance with these approved details.

The proposed development is considered to respect the form, density and character of the existing developments within the locality. The proposal is therefore considered to comply with Policy N6 of the Copeland Local Plan and the provisions of the NPPF.

Scale, Design, and Impact of the Development

Policy DS4 of the Copeland Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

The proposed development has been designed with reference to the shape and form of the Application Site, and reflect the indicative plans submitted at the outline application stage of this development.

The development has been designed around a single access point from Scalegill Road, with a single spine road through the development. The layout of the site incorporates frontages onto the spine road, and planting throughout the development. Whilst the development is set back within the site, discussions have been undertaken with the agent for this development to secure an entrance gateway to the housing site and the inclusion of additional planting within key boundaries of the development. The layout of the development is in keeping with the form and character of the surrounding residential estates. The proposed new dwellings are set well within the Application Site in order to respect the relationship between existing residential properties within these estates.

The proposed dwellings comprise standard developer house types. A mix of materials is proposed, which are considered appropriate within the wider context of the site. Materials and solar panel details will be secured by condition.

Concerns have been raised from residents in terms of loss of views from their properties and

impact on their existing living space. Concerns about loss of views are not a material planning consideration. Given the form and layout of the proposed, adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking will not result due to the separation distances achieved.

During discussions with the agent the house types have been amended to include obscure glazing within some windows to prevent overlooking between proposed plots. This detail will be secured and retained by appropriately worded planning conditions. The installation and retention of boundary treatments will also be secured by condition.

The proposed development will result in some adverse impacts upon residential amenity of the surrounding areas during the construction period. Planning conditions have been included within the outline permission to limit the hours of construction and to impose suitable controls in relation to construction management.

Whilst the Council's Environmental Health Team have offered no objections to the application, they have noted that there may be potential for sporadic noise disturbance to plots 18 and 19 from events from the adjacent licenced premises. The original outline approval for this site was subject to a condition to secure a noise assessment regarding this premises. This condition will require formal discharge and compliance prior to the commencement of works at this site.

As part of the original outline application, a condition was also included to secure a ball stop fence to prevent the development impacting on the adjacent playing field. The applicant has agreed to the inclusion of this ball stop fence along the eastern edge of the application site, with the location indicated on the submitted plans. An appropriately worded planning condition will be utilised to secure the full details and the management and maintenance of this fence prior to the occupation of the development. This new condition will supersede condition 15 on the original outline application as this references the incorrect boundary. Sports England have offered no objections subject to the inclusion of this condition.

Based on the inclusion of conditions outlined above, the proposal is considered to comply with Policies DS4 of the Copeland Local Plan, and the provisions of the NPPF.

Access and Highway Safety

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate

Travel Plan and be supported by a Transport Assessment.

Access to the application site from Scalegill Road has previously been approved under the original outline application (ref: 4/21/2360/001).

The Highway Authority initially confirmed that they had no objections in principle to the proposed development but requested additional information in relation to the surfacing of footpaths and visitor parking spaces. Based on the receipt of this amended information the Highway Authority have confirmed that they have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions. The Highways Officer has confirmed that no additional conditions are required on this reserved matters application as the original outline permission includes the required conditions which will need discharged separately prior to the commencement of works at this site.

Public Right of Way 406016 runs along the west and north of the application site, providing access to the National Cycle way to the north of the site. The Countryside Access Officer has requested a Planning Obligation under a S106 agreement to upgrade a section of this public footpath to a 1.8m wide surface path. The agent for this application has confirmed that this footpath is not within the applicant's ownership or control and therefore will not be seeking to upgrade this as part of the application.

As the original outline application established the principle of developing the site for residential purposes this request to upgrade the footpath should have been made at the outline stage, it is not reasonable to secure this detail as part of this reserved matters application. The proposed layout for this development does include a footpath link from the access off Scalegill Road to the north of the site which will provide access to the existing PROW and cycleway. This provides opportunities for active travel within the surrounding area from the development site.

On this basis the proposal is considered to be compliant with the Policy CO4 of the Copeland Local Plan, and provisions of the NPPF.

Drainage and Flood Risk

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1. The application is supported by a Drainage Strategy. This strategy confirms that the site is low risk of flooding from rivers and surface water flooding.

Within the Drainage Strategy it is concluded from ground investigations undertaken by Geo Environmental Engineering that the underlying ground conditions across the site have poor levels of permeability and are not deemed suitable for an infiltration-based SuDS solution for a development of this scale. The report therefore concludes that the existing sloping

topography is more suited to an interception and attenuation-based surface water drainage strategy. It is therefore proposed that surface water drainage will be positively drained and attenuated, using a detention basin, with a flow control device restricting discharge. Controlled runoff for the development will be restricted to match the pre-development greenfield runoff rate of 6.1 l/s with outfall proposed to the existing surface water drainage ditch approximately 70m north of the wider field boundary. Foul water from the development will discharge into the existing public combined sewer crossing the site from east to west to the north of the site. An operations and maintenance plan has also been submitted should UU refuse to adopt the proposed drainage system.

Following amendments to the proposed drainage scheme to reflect comments from the LLFA, they have confirmed that they have no objections to the proposed as it is not considered to increase flood risk on site or elsewhere. UU have also confirmed that the drainage scheme submitted is acceptable in principle. Conditions 4 and 6 on the outline permission seek full details of the proposed drainage scheme for this development and will require separate discharge prior to the commencement of works at the site.

On this basis the proposal is considered to be compliant with the Policies DS6 and DS7 of the Copeland Local Plan, and provisions of the NPPF.

Impact on Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.



Cumberland Council

As this reserved matters application was submitted before the 12th February 2024, and the original outline application was approved before this date, the development is considered to be exempt from the requirements of BNG.

The original outline permission was supported by a Preliminary Ecological Appraisal. This report identified potential ecological impacts to breeding birds, other mammals and invasive non-native species, and recommended a number of mitigation measures. The outline permission also included an appropriately worded planning condition to ensure the development was carried out in accordance with the submitted appraisal and mitigation measure.

On this basis, the proposal is considered to be compliant with the Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

Planning Balance and Conclusions

The application site is located within the defined settlement boundary for Moor Row, which is identified as a Sustainable Rural Village under Policy DS1 of the Local Plan. The principle for developing this site for residential purposes has previously been established by the outline permission (ref: 4/21/2360/001) approved in June 2022 by the former Copeland Planning Committee. This decision was made in the context that the Council's settlement boundaries were considered out of date as required by paragraph 11 of the NPPF. However, the application site is now contained within the settlement boundary under the new Copeland Local Plan 2021 – 2039.

The proposed housing mix is considered to reflect the provisions of the SHMA, and the inclusion of one affordable dwelling is considered to comply with the requirements of the previously approved S106 agreement.

The application site comprises an area of agricultural land located to the west of Moor Row. The site sits between the new residential estate of Rusper Drive, and the playing field and existing built form of Moor Row. The development will be viewed in the context of the existing built form and will therefore not have a detrimental impact on the character of the overall area.

The proposed development has been designed with reference to the shape and form of the Application Site. Given the form and layout of the proposal, adverse impacts upon the residential amenity of the existing residents through loss of daylight, loss of sunlight, overshadowing, overbearing effects or overlooking will not result due to the separation distances achieved. Conditions will be utilised to secure details of materials, solar panels, boundary treatment, obscuring glazing, and the requirements for a ball stop fence.

Access to the site is as per the outline approval with no objections received from the Highway Authority. No objections have been received from the LLFA or UU in terms of the drainage proposed. Conditions relating to highways matters and drainage also require discharge from the previous outline approval.

	<p>A planning condition will also be utilised to secure full details of the proposed ball stop fence along with its management and maintenance in accordance with comments received from Sports England.</p> <p>The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve Reserved Matters</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> The development must be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission. <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:- <ul style="list-style-type: none"> - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 8th February 2024. - As Proposed Site Plan (Amended), Scale 1:200, Dwg No: 01, Rev: L, received by the Local Planning Authority on the 18th December 2024. - As Proposed House Type (Amended), Scale 1:100, Dwg No: 02, Rev: A, received by the Local Planning Authority on the 7th March 2024. - As Proposed House Type (Amended), Scale 1:100, Dwg No: 03, Rev: A, received by the Local Planning Authority on the 7th March 2024. - Highways & External Levels Plan Sheet 1 of 2 (Amended), Scale: 1:200, Drawing No: 01, Rev: A, received by the Local Planning Authority on the 30th April 2024. - Highways & External Levels Plan Sheet 2 of 2 (Amended), Scale: 1:200,



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Drawing No: 02, Rev: A, received by the Local Planning Authority on the 30th April 2024.

- Highways Longitudinal Section (Amended), Scale: 1:200, Drawing No: 03, Rev: A, received by the Local Planning Authority on the 30th April 2024.
- External Works Plan Sheet 1 of 2 (Amended), Scale: 1:200, Drawing No: 04, Rev: A, received by the Local Planning Authority on the 30th April 2024.
- External Works Plan Sheet 2 of 2 (Amended), Scale: 1:200, Drawing No: 05, Rev: A, received by the Local Planning Authority on the 30th April 2024.
- External Works Construction Details (Amended), Scale: 1:200, Drawing No: 06, Rev: A, received by the Local Planning Authority on the 30th April 2024.
- Foul & Surface Water Drainage Plan Sheet 1 of 2 (Amended), Scale: 1:200, Drawing No: 20, Rev: B, received by the Local Planning Authority on the 26th July 2024.
- Foul & Surface Water Drainage Plan Sheet 2 of 2 (Amended), Scale: 1:200, Drawing No: 21, Rev: B, received by the Local Planning Authority on the 26th July 2024.
- Section Through SuDS Detention Basin and Headwall Details (Amended), Scale: 1:20 & 1:200, Drawing No: 22, Rev: A, received by the Local Planning Authority on the 30th April 2024.
- General Drainage Construction Details, Scale 1:20, Drawing No: 23, Rev: -, received by the Local Planning Authority on the 8th February 2024.
- Surface Water Drainage Catchment Plan (Amended), Scale: 1:500, Drawing No: 24, Rev: A, received by the Local Planning Authority on the 30th April 2024.
- Drainage Strategy (Amended), Prepared by R G Parkins April 2024, Ref: K40461.DS/001A, received by the Local Planning Authority on the 30th April 2024.
- Operation & Maintenance Plan for Sustainable Drainage Systems, Prepared by R G Parkins January 2024, Ref: K40461.ON/002, received by the Local Planning Authority on the 8th February 2024.
- Landscape Plan (Amended), Scale: 1:250, Drawing No: WW/LO1 D, received by the Local Planning Authority on the 20th September 2024.
- Design and Access Statement (Amended), received by the Local Planning Authority on the 4th March 2024.
- Arboricultural Method Statement, received by the Local Planning Authority on the 16th October 2024.

- Solar PV Schedule, received by the Local Planning Authority on the 11th December 2024.
- Solar PV Panel Details, received by the Local Planning Authority on the 18th December 2024.
- Materials Schedule, received by the Local Planning Authority on the 18th December 2024.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Prior to First Use/Occupation Conditions:

3. Prior to its first installation at the application site, full details of the proposed 6 meter high ball stop fence to be installed along the eastern boundary as shown on the approved plan 'As Proposed Site Plan (Amended), Scale 1:200, Dwg No: 01, Rev: K, received by the Local Planning Authority on the 19th September 2024' must be submitted to and approved in writing by the Local Planning Authority. A scheme for the management and maintenance of the approved ball-stop fence must also be submitted and approved in writing by the Local Planning Authority prior to its first installation at the application site. The approved scheme must be installed prior to the first occupation of plots 10, 11, 12, and 13, and must remain in operational in accordance with the approved details for the lifetime of the development.

Reason

To protect the playing field and enable the residential development to exist alongside to meet the requirements of the NPPF.

4. Prior to the first occupation of each dwelling hereby approved, the boundary treatment on that occupied plot must be installed in accordance with the following approved plans:
 - As Proposed Site Plan (Amended), Scale 1:200, Dwg No: 01, Rev: K, received by the Local Planning Authority on the 19th September 2024.

The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policies DS4 and N6 of the Copeland Local Plan.

5. Prior to the first occupation of any dwelling hereby approved the gable windows of the occupied dwelling must be fitted with obscure glazing in line with the approved documents:

- As Proposed House Type (Amended), Scale 1:100, Dwg No: 02, Rev: A, received by the Local Planning Authority on the 7th March 2024.
- As Proposed House Type (Amended), Scale 1:100, Dwg No: 03, Rev: A, received by the Local Planning Authority on the 7th March 2024.

The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with DS4 of the Copeland Local Plan.

Other Conditions:

6. All hard and soft landscape works must be carried out in accordance with the details illustrated on the following approved documents:

- Landscape Plan (Amended), Scale: 1:250, Drawing No: WW/LO1 D, received by the Local Planning Authority on the 20th September 2024.

The approved works must be implemented in full during the first planting season following completion of the development. Any trees or shrubs which are removed, die or become severely damaged or diseased within ten years of their first planting must be replaced in the next planting season with a similar species and in a similar location within one growing season. Any alterations to the agreed Landscape Plan should be approved in writing by the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of

the area and to ensure a satisfactory landscaping scheme in accordance with Policy N6 of the Copeland Local Plan.

7. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out in the approved documents:

- Arboricultural Method Statement, received by the Local Planning Authority on the 16th October 2024.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy N6 of the Copeland Local Plan.

8. The development hereby approved must be completed in accordance with the approved materials detailed within the approved documents:

- As Proposed Site Plan (Amended), Scale 1:200, Dwg No: 01, Rev: L, received by the Local Planning Authority on the 18th December 2024.
- Solar PV Panel Details, received by the Local Planning Authority on the 18th December 2024.
- Materials Schedule, received by the Local Planning Authority on the 18th December 2024.

The development must be retained in accordance with these approved details for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with Policy DS4 of the Copeland Local Plan.

Informatives:

1. Prior to the commencement of this development, the requirements of Planning



Cumberland Council

Conditions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Outline Planning Approval Ref: 4/21/2360/001 are required to be submitted and approved in writing by the Local Planning Authority.

2. Prior to the occupation/use of this development, the requirements of Planning Conditions 16, 17, and 18 of Outline Planning Approval Ref: 4/21/2360/001 are required to be submitted and approved in writing by the Local Planning Authority.
3. The development hereby approved must be carried out in accordance with conditions 1, 2, 3, 7, 19, 20, 21, 22, 23, 24, and 25 of Outline Planning Approval Ref: 4/21/2360/001.
4. The granting of planning permission would not give the applicant the right to divert, block or obstruct Public Right of Way FP 406016.
5. Public Right of Way FP 406016 must be kept open and unaltered for public use until an order made to divert or to temporarily close it has been confirmed.
6. The proposed development appears to be within very close proximity to Electricity North West's high and low voltage electricity distribution assets. The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion is usually borne by the applicant. The applicant should be aware of Electricity North West's requirements for access to inspect, maintain, adjust, repair, or alter any of their distribution equipment.
7. All external lighting must meet the guidelines and obtrusive limits details in the institute of lighting professionals Guidance Notes for the Reduction of Obtrusive light (GN01:2011).
8. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Burns	Date : 19.12.2024
Authorising Officer: N.J. Hayhurst	Date : 19.12.2024
Dedicated responses to:-	